

STATE OF CALIFORNIA
ELECTRICITY OVERSIGHT BOARD



Gray Davis, Governor

January 22, 2002

Ms. Magalie Roman Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

VIA EMAIL

Re: California Independent System Operator Corp., Docket No. ER02-651-000

Dear Ms. Salas:

Please file the attached electronic version of the Motion to Intervene One Day Out-of-Time of the California Electricity Oversight Board.

Thank you for your assistance.

Sincerely,

/s/

Sidney Mannheim Jubien
Senior Staff Counsel
Electricity Oversight Board

Enclosure

cc: Official Service List of ER02-651-000

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

California Independent System Operator Corp.)

Docket No. ER02-651-000

**MOTION TO INTERVENE
ONE DAY OUT-OF-TIME OF THE
CALIFORNIA ELECTRICITY OVERSIGHT BOARD**

Pursuant to Commission Rules of Practice and Procedure, 18 C.F.R. §§
385.214(a)(3) and (b), the California Electricity Oversight Board (Board) hereby moves
to intervene in the above-captioned docket.

I.

The principal office of the Board is located at 770 L Street, Suite 1250,
Sacramento, California, 95814.

II.

All pleadings, orders, correspondence and communications regarding this motion
should be directed to the following persons:

Erik Saltmarsh
California Electricity Oversight
Board
770 L Street, Suite 1250
Sacramento, CA 95814
Tel: (916) 322-8601
Fax: (916) 322-8591

Sidney M. Jubien
California Electricity Oversight
Board
770 L Street, Suite 1250
Sacramento, CA 95814
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III. MOTION TO INTERVENE ONE DAY OUT OF TIME

On December 28, 2001, the California Independent System Operator Corporation (CAISO) filed Amendment No. 41 to its tariff. Amendment No. 41 proposes four modifications to the CAISO tariff: (1) CAISO creditors would have first priority on interest received by the CAISO for late charges with any additional interest then used to offset the CAISO's Grid Management Charge; (2) a "safe harbor" mechanism to allow the CAISO to provide confidential information to the Board to enable the Board to perform its oversight function on behalf of the State of California; (3) a cap on the negative maximum of the Non-Emergency Clearing Price Limit; and (4) non-substantive typographical corrections.

The Board was created as a component of California's comprehensive restructuring legislation. The Board statutory responsibilities include oversight of the CAISO, the energy and ancillary services markets administered by the CAISO, and the reliability of the California electric grid. In addition, the Board has an ongoing responsibility on behalf of the State of California to ensure that wholesale electricity markets deliver the promised benefits of lower prices and higher quality services. The Board, therefore, has an interest in the subject matter of the CAISO's filing.

Motions to intervene and protest were due to be filed by January 18, 2002. Due to a calendaring error, the January 18, 2002 filing was inadvertently overlooked. Accordingly, the Board moves to intervene one-day out-of time to obtain party status to represent the interests of the State of California. The Board's late intervention will not prejudice the parties or otherwise delay the proceedings. The Board respectfully requests that the Commission grant this motion to intervene.

IV. COMMENTS

The Board strongly supports the “safe harbor” disclosure provision set forth in proposed Section 20.3.4 that will allow the Board to receive confidential information in aid of the Board’s oversight responsibilities. In order for the Board to meet its obligations under state law, it must have access to confidential information retained by the CAISO. To date, the CEOP has obtained this information through its subpoena power on a regular basis. Each time the CEOP issues a subpoena, the CAISO tariff requires the CAISO to notify each market participant and then to resolve confidentiality concerns with the CEOP and the relevant market participant. Revised Section 20.3.4 puts into place a mechanism whereby the CEOP can receive the information it needs while addressing the confidentiality concerns of market participants.

Dated: January 22, 2002

Respectfully submitted,

/s/

Sidney Mannheim Jubien
Senior Staff Counsel
California Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
(916) 322-8601

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon each person designated on the official service list compiled by the Secretary for this proceeding on January 22, 2002.

Dated at Sacramento, California, this 22nd day of January, 2002.

/s/

Larry Cook
Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
(916) 322-8601